UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,209	04/23/2001	Jin Lu	US 010191	3948

24737	7590	12/18/2006

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EXAMINER
BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 12/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/840,209	LU, JIN
	Examiner	Art Unit
	Vincent F. Boccio	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>RCE of 10/6/06 and arguments of 9/5/06</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

Response to Arguments

1. Applicant's arguments filed on 4/28/06 against the amended claims 1-20 have been fully considered but they are not persuasive.

The examiner has reviewed all arguments and fails to find any persuasive arguments.

The examiner incorporates by reference previous all previous arguments, which address present arguments.

2. Applicant's arguments with respect to claims have been considered but new ground(s) of rejection are also provided.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Motorola "Integrated Data-casting Solutions for Digital TV (6/1999)** or, in the alternative, under 35 U.S.C. 103(a), as obvious over Dureau (US 2005/0111823 A1) in view of Ullman et al. (US 20040236865 A1).

Regarding claim 1, Motorola PUB. discloses and meets the limitations associated with a data apparatus comprising:

- a storage medium for storing selected portions of transmitted data cast streams (page 6, "Data Assimilation", cached, content storage and local branding;

- a controller receiving within the local facility receiving a first data cast (pages 6-7, "Input files, Broadcast Server, Scheduling, Content Preparation/Editing", "A vast array of data may be brought in from a variety of media, terrestrial media can be deliver IP data to the station"),

- wherein the controller determines based on branding and user profiles and performs targeting with a processor or controller is based on a user profile (page 5, "USER Profile").

Users can be grouped, sub-grouped even uni-cast, based on (page 7, "multicasting to demographic groups and user profiles", therefore, groups and even sub-groups), and uni-casting by targeting a specific PC users, based on user profiles and demographic, wherein all three types of network session are possible in the same service, the filtering is accomplished according to page 11-12, "user's view history back to the TV station over the internet to the local station, wherein system targets either groups, sub-groups even specific users, based on demographic and user profiles.

On the alternative the examiner cites **_Dureau teaches at page 7, [0063], "User information such as profile data may also be uploaded to the receiver station or the broadcast station for filtering downloads or customizing program content which is displayed on the television.", as taught by Dureau._**

Therefore, it would have been obvious to those skilled in the art to modify Motorola integrated data casting solutions by uploading user profiles to the local station and to select or filter contents received from various sources, with the profile and a controller to performing targeting by selecting content based on profiles, to either queue or store the selected blocks to perform group or uni-casting to better target the community, based on the decided needs of the community.

The examiner renders inherent to store blocks based on a user specific ID or profile, when targeting or even group casting, associated with branding (providing identifying markings to distinguish content, to thereafter filtering by selecting datacast files, based on branding) and selecting from the caches content and scheduling, prior to transmission, to

storage, such as transmission queues prior to transmission of
multi-casting data, uni-casting data and group casting data in
one system, in view of pages 5-12, that based on page 9 to be
operable the examiner renders the buffering or queues a required
feature to perform the operation of the downstream data inserter
to be operable, the examiner believes that the system would not
be operable without buffering or queues for transmission content
to be injected or inserted into an MPEG transport stream by
opportunistic-ly injected, the data where null packets
previously existed in the MPEG stream (page 10).

On the alternative the examiner takes official notice that
providing queues or placeholders for data-casting, or an order
of transmission, operating as such as a FIFO or other type
ordering (additional priority considerations), is well known in
the art, therefore, it would have been obvious to one skilled in
the art at the time of the invention to utilize transmission
queues or placeholders in memory, or queue locations or a
sequence or an order, for transmitting the multicast data-cast,
and a subgroup data-cast such as based on demographic data and a
uni-cast queue, to one and to utilize a plurality transmission
queues to order the transmission, as would have been obvious to
and is well known to those skilled in the art.

To support the official notice taken, the examiner had
provided multiple references, see final office action, that
teach queues for the transmission types, uni-casting, group
casting, operations.

Regarding claims 2-8, the combination with Motorola further
meets the limitations of wherein the system comprises a
plurality of end user apparatuses (page 7, "multicasting to
demographic groups", which also meets the limitation of wherein
the group is met by all, and/or at least one subgroup associated
with all, met by demographic groups/groups) and further to
multicast to a group or subgroup requires an address unique to
the demographic and uni-casting or only by one, wherein uni-
casting is targeting which requires a unique address associated
with one end user, also page 7, as disclosed.

Claims 9-16 represent the corresponding method claims,
associated with the apparatus claims above, are analyzed and
discussed with respect to the claims 1-8 above.

It is noted that the claims have been amended to include,
"a transmission device within the local broadcast facility
configured to transmit the first data cast in accordance with
the first content parameter", met by the combination as applied
wherein branding identified the content, preferences are used to

select or filter from the available content, cached to the local
broadcasting station to be scheduled and stored in queues
waiting for an opportunistic null packet removal and data
insertion, deemed required to have buffer or queued and
thereafter, transmission (page 5, see Broadcast Antenna, "DTV
TRANSMITTER"), of the transport stream (Figs., of page 9, 10)
with data packets inserted opportunistically, by removing null
packets.

Regarding claims 17-18, Motorola discloses and meets the
limitations associated with a TV broadcasting system capable of
transmitting data-cast streams to a plurality of storage
apparatuses (page 5 and/or page 6 and/or page 7 and/or pages 8-
9), the TV broadcasting system comprising:
   a data retrieval and a memory (page 6, memory met by
   "cached", "content is cached on a server where it can be
   scheduled for broadcast"), controller capable of accessing a
   plurality of data sources (page 6, sources met by a source of
   NEWS, Finance, Sports and Technology into the "INTERNET
   CLOUD", and other sources, to HUB, "TV station to lunch a
   sustaining data-cast service … the station can also seek out
   additional data through the Internet to augment its data-
   casts") and retrieving from each of the sources WEB page data
   (page 6, "Internet", "search the WEB") and wherein the content
   can be internet content or Web pages, page 4.

Motorola discloses caching prior to broadcasting and meets all
the limitations such as groups multicast and subgroups multicast
using demographics and even uni-casting

but, fails to particularly disclose or specifically mention,
wherein the memory for storing the retrieved WEB page data in

   a plurality of transmission QUEUES,

   first queues for all apparatuses (multi-casting);

   second queues multicast only by selected subgroups of the
plurality of storage apparatuses (demographic multi-casting).

The examiner renders inherent to provide transmission
queues for multi-casting, uni-casting and group casting in view
of pages 5-12, that based on page 9 to be operable the examiner
renders the buffering or queues a required feature to perform
the operation of the downstream data inserter to be operable,

the examiner believes that the system would not be operable
without buffering or queues for transmission content to be
injected or inserted into an MPEG transport stream by
opportunistic-ly injected, the data where null packets
previously existed in the MPEG stream (page 10).

The examiner takes official notice that providing queues or
placeholders for data-casting, or an order of transmission,
operating as such as a FIFO or other type ordering (additional
priority considerations), is well known in the art, therefore,
it would have been obvious to one skilled in the art at the time
of the invention to utilize transmission queues or placeholders
in memory, or queue locations or a sequence or an order, for
transmitting the multicast data-cast, and a subgroup data-cast
such as based on demographic data and a uni-cast queue, to one
and to utilize a plurality transmission queues to order the
transmission, as would have been obvious to and is well known to
those skilled in the art.

To support the official notice the examiner had provided
multiple references, see in the previous final office action.
Regarding claim 19, the combination as applied with
Motorola further meets the limitation of wherein the
transmission controller based on the combination applied
provides for a plurality of queues for the first, second and
third transmissions, being multicasting, group or even sub-group
multicasting and uni-cast transmission ordering and further
Motorola, further discloses wherein according to page 7, the
data-casts can have transmitted at predetermined times of the
day (page 7, met by assigning start times, also see "files in
the user's PC can be undated at predetermined times to keep
their contents accurate"), therefore, meeting the limitation at
predetermined times of the day.
Regarding claim 20, the combination provides for uni-
casting, therefore, to uni-cast the unique ID is an inherent
feature to send something specifically to one apparatus or
user's PC that is targeted.

Regarding claims 1-, 9-, 17-, it is deemed that Motorola
provides for the system that can receive, cache, brand and
schedule transmission of content in uni-casting, multicasting
and broadcasting data casting methods, inserting by replacing
NULL packets in a transport stream and performing buffering.
An alternative rejection under 103, based on the arguments
presented, as implied in combination the prior art **fails to**

clearly teach a controller which automates the process of determining content to send based in a user profile against a (content parameter) and buffering or storing the content on a medium prior to transmission.

It is deemed inherent once content has been judged (branded and compared to user profiles), to store in a buffer or store to uni-cast or multicasting queues, based on the comparison and to replacement of null packets of an active stream going by (page 9, Motorola).

Ullman et al. teaches to accomplish personalization of service, with a stored user profile ... automatic choices can be made by an algorithm (such as a FILTER) residing on the service ... thereby links to content which is content in itself can be directed and relevant to users interests, demographics, history or behavior in the system (0041-0042 etc...), as taught by Ullman.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to provide for an automatic means or an algorithm as taught by Ullman to use the user profiles available (to target uni-casting or multicasting) and compare or make choices by an algorithm (such as a filter) residing in the local broadcast facility to obtain a profile for users use an algorithm one the data cast data has been cached and branded, to the local broadcast station, to apply an algorithm or an automated means, to determine content to be stored or queued (scheduled), thereby making the decision to determine what data cast data to transmit automatic, as taught by Ullman.

Contact Fax Information
Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
12/11/06

VINCENT BOCCIO
PRIMARY EXAMINER